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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/925,703	09/09/97	ALLEN	D MICL: 024 (97- <i>A9</i>

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LM02/0303

EXAMINER	
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OPIE, G

ART UNIT	PAPER NUMBER
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2755

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DATE MAILED: 03/03/99

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. <b>08/925,703</b>	Applicant(s) <b>Duane Le Allen</b>
	Examiner <b>George Opie</b>	Group Art Unit <b>2755</b>

Responsive to communication(s) filed on Sep 9, 1997

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-27 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-27 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

## DETAILED ACTION

Claims 1-27 are presented for examination on their merits.

### Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1-5, 7-8, 10-14, 16-17, 19-23, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leyda in view of Harding.

As to claim 1, Leyda (col 5 ln 36 to col ln 16) teaches generating an external configuration file (having a specialized CONFIG.SYS file 106) containing information about a plurality of devices (that contains lines of code to load all the software driver files 104), identifying a particular device associated with the computer (identify the particular type of CD-ROM drive), the particular device being one of the plurality of devices (from the plurality of software driver files 104), installing a driver (loads the corresponding software driver) according to the information stored in the external configuration file and the particular device's identity (system 100 automatically identifies the particular type of CD-ROM drive 30 and loads the appropriate software driver file). Leyda does not teach installing the operating system according to information stored in the external configuration file and the particular device's identity.

Harding teaches installing the operating system according to information stored in a setup file (the selected language version of DOS can be properly installed . . . the software setup program simulates the method of software installation used by the computer manufacturer col 13 ln 21-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Leyda with Harding because the external file for handling the device drivers can be incorporated into a program for installing an operating system and this combination would facilitate the

updating of systems and devices by allowing drivers and or the OS to be more easily and correctly changed.

As to claim 2, Harding teaches installing applications after the driver and the operating system are installed (the operating system and graphical user interface are installed onto the hard disk drive first, and then the device drivers, followed by the applications col 4 In 45-56).

As to claim 3, Harding teaches determining one installation procedure from among a plurality of options (running the appropriate batch file for the selected language, which explodes the user selected language versions of the DOS and Windows modules col 6 In 41-47). The language selection procedure as taught by Harding, determines a specific installation for deriving a desired DOS version; this corresponds to applicant's determining one installation from among a plurality of options. In the interest of flexibility and efficiency, it would be important to incorporate a mechanism for choosing an installation procedure from a variety of possibilities. Consequently, it would have been obvious to employ a facility for determining one procedure for installation from a number of alternatives.

As to claim 4, Leyda teaches the particular device is identified dynamically (ability to automatically identify and configure devices) col 10 In 62-65.

As to claim 5, Leyda teaches the dynamic identification (automatically identifies col 4 In 45-48) is at least one of automated and user-driven (The CPU 12 sequentially executes the lines of code in the CONFIG.SYS file . . .) col 3 In 31-39, which is a mechanism for user-driven input/control regarding system functions. Thus, it would have been obvious to have automated and user-driven methods for performing the process; moreover, it would have been obvious to use either an automatic or a user-driven routine.

As to claim 7, "Official Notice" is taken that a display device, a sound device, a modem, and a controller are components that need respective drivers for the system to function properly is well known in the art (MPEP 2144.03).

As to claim 8, Harding teaches a system of patching OS files in order to have the OS correctly conform to a selective configuration, col 3 In 31-45; this system of modifying OS files as taught by Harding corresponds to applicant's patching errors in an OS configuration file with information in the configuration file. It would have been an obvious modification to use the external configuration file for implementing the corrective patching to fix the OS config file.

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As to claims 10-14 and 16-17 note the discussion of claims 1-5 and 7-8 above. Claims 10-14 and 16-17 are the same as claims 1-5 and 7-8 respectively, except claims 10-14 and 16-17 are computer program product claims and claims 1-5 and 7-8 are method claims.

As to claims 19-23 and 25-26 note the discussion of claims 1-5 and 7-8 above. Claims 19-23 and 25-26 are the same as claims 1-5 and 7-8 respectively, except claims 19-23 and 25-26 are apparatus claims and claims 1-5 and 7-8 are method claims.

3. Claims 6, 15, and 24 are rejected under 35 U.S.C. § 103 as being unpatentable over Leyda in view of Harding as applied to claim 1 above, further in view of Lipe et al.

As to claim 6, Lipe teaches a configuration system involving ISA, PCI, SCSI, and IDE devices (p14-15). Integrating Lipe's teaching with Leyda as modified would facilitate installation of an OS and devices in connection with the aforementioned standards, and thereby provide a more inclusive system for compatibility and operability with the numerous variety of computer systems that are on sale or in use. Hence, it would have been an obvious modification to combine configuring of a system containing peripheral components in the aforementioned formats as taught by Lipe with Leyda as modified for installing an OS and associated devices.

As to claim 15 note the discussion of claim 6 above. Claim 15 is the same as claim 6, except claim 15 is a computer program product claim and claim 6 is a method claim.

As to claim 24 note the discussion of claim 6 above. Claim 24 is the same as claim 6, except claim 24 is an apparatus claim and claim 6 is a method claim.

4. Claims 9, 18, and 27 are rejected under 35 U.S.C. § 103 as being unpatentable over Leyda in view of Harding as applied to claim 1 above, further in view of the admitted prior art.

As to claim 9, the admitted prior art teaches that the device drivers are typically installed during the OS installation, applicant's background p4 In 15-17. Therefore, it would have been obvious to have a scheme that installs the driver and the operating system contemporaneously.

As to claim 18 note the discussion of claim 9 above. Claim 18 is the same as claim 9, except claim 18 is a computer program product claim and claim 9 is a method claim.

As to claim 27 note the discussion of claim 9 above. Claim 27 is the same as claim 9, except claim 27 is an apparatus claim and claim 9 is a method claim.

5. The prior art of record and not relied upon is considered pertinent to the applicant's disclosure. Each reference disclosed below is relevant to one or more of the Applicant's claimed invention.

U.S. Patent No. 5,640,562 to Wold et al. which teaches a facility for installing device drivers and an OS kernel;

U.S. Patent No. 5,713,009 to Derosa et al. which teaches a configuration file for setting-up the system devices and OS;

U.S. Patent No. 5,613,125 to Nguyen et al. which teaches a system for controlling devices in conjunction with the OS by means of a special configuration file.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Opie whose telephone number is (703) 308-9120.



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